



750 Third Avenue
New York, NY 10017-2703
(212) 687-8181
Fax: (212) 972-9432
www.kreindler.com

September 6, 2019

VIA CM/ECF

The Honorable George B. Daniels
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn
U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Daniels and Magistrate Judge Netburn:

In response to this Court's September 3, 2019 endorsed Order (ECF No. 5044), the *Ashton* Plaintiffs provide the following explanation regarding the three Notices of Amendment to their suit against the Islamic Republic of Iran ("Iran") filed in July and August 2019.

Those individual *Ashton* claimants set forth on the Notices of Amendment submitted in July and August 2019 are surviving family members of Sept. 11 victims and were already part of the existing *Ashton* suit against Iran, as complaints filed in 2002 and 2003 named the estate of the Sept. 11 victim to whom they are related "on behalf of all survivors." *See* Appendix A hereto. While part of the original complaints, because those claimants had not previously moved for damages judgments their names were not docketed individually. To ensure that they were listed on the docket, prior to moving on their behalf for solatium damages *Ashton* counsel added them on an individual basis via Notice of Amendment, even though they were part of the earlier suits brought on behalf of the survivors of their murdered relatives.

The attached Appendix A sets forth each individual named in the July and August 2019 Notices of Amendment, the name of the Sept. 11 victim to whom each is related (and whose estate representative filed suit on behalf of all survivors), the filing dates and docket numbers of each original suit, the filing dates and docket numbers of the relevant Notice of Amendment and the filing dates and docket numbers of the related motions for final damages judgment.

California Office

707 Wilshire Boulevard, Los Angeles, CA 90017-3613
Tel: (213) 622-6469 Fax: (213) 622-6019

Massachusetts Office

855 Boylston Street, Boston, MA 02116-2688
Tel: (617) 424-9100 Fax: (617) 424-9120

September 6, 2019
Page 2

As for pending damages judgments, *Ashton* counsel notes that the following two motions for final damages judgments remain outstanding (and pre-date some of those motions that the court has recently granted):

1. ECF No. 4718, Filed 07/31/19 (concerning non-immediate family members) (titled *Ashton XIII* Wrongful Death Plaintiffs' Motion for Final Judgments)
2. ECF No. 4890, Filed 08/19/19 (concerning immediate family members) (titled *Ashton XIII* Wrongful Death Plaintiffs' Motion Final Judgments)

Upon our recent review of the two pending motions, we discovered that we had inadvertently titled them both as "*Ashton XIII*." To avoid any confusion, we respectfully ask that the Court treat ECF No. 4890 as filed on behalf of *Ashton XIV* Plaintiffs, and that any order granting that motion be noted as relating to *Ashton XIV* Plaintiffs.

We hope this adequately addresses the Court's concerns. We remain available for further explanation should the Court want additional information.

Respectfully submitted,

Kreindler & Kreindler LLP

/s/ Megan W. Benett

Enclosure – Appendix A

APPENDIX A

| Plaintiff's Name (alphabetical by 9/11 Decedent's last name) | 9/11 Decedent's Name | Notice of Amendment date | Related CV docket | ECF No. of Related Complaint | Title of Related Complaint | Related Complaint Page No. Referring to 9/11 Decedent's Estate and Survivors | Date Related Complaint Was Filed | Date Motion for Final Damages Judgment Filed | ECF No. for Pending Motion for Final Damages in MDL Docket (03-md- 1570) | ECF No. for Pending Motion for Final Damages in 02-cv-6977 |
|--|------------------------|--------------------------------|----------------------|------------------------------------|---|---|--|--|--|--|
| Atwood, Gerald | Atwood, Gerald T. | 7/18/2019 | 1:02-cv-06977-GBD-SN | 111 | THIRD AMENDED CONSOLIDATED MASTER COMPLAINT | p. 55 | 9/5/2003 | 7/31/2019 | 1039 | 4718 |
| Atwood, Margaret | Atwood, Gerald T. | 7/18/2019 | 1:02-cv-06977-GBD-SN | 111 | THIRD AMENDED CONSOLIDATED MASTER COMPLAINT | p. 55 | 9/5/2003 | 7/31/2019 | 1039 | 4718 |
| Swat Atwood, Barbara Ann | Atwood, Gerald T. | 7/18/2019 | 1:02-cv-06977-GBD-SN | 111 | THIRD AMENDED CONSOLIDATED MASTER COMPLAINT | p. 55 | 9/5/2003 | 7/31/2019 | 1039 | 4718 |
| Beyer, Jane | Beyer, Paul M. | 8/19/2019 | 1:02-cv-06977-GBD-SN | 32 | FIRST AMENDED CONSOLIDATED MASTER COMPLAINT | p. 44* | 8/1/2003 | 8/19/2019 | 1053 | 4890 |
| Beyer, Mark | Beyer, Paul M. | 8/19/2019 | 1:02-cv-06977-GBD-SN | 32 | FIRST AMENDED CONSOLIDATED MASTER COMPLAINT | p. 44* | 8/1/2003 | 8/19/2019 | 1053 | 4890 |
| Beyer, Michael | Beyer, Paul M. | 8/19/2019 | 1:02-cv-06977-GBD-SN | 32 | FIRST AMENDED CONSOLIDATED MASTER COMPLAINT | p. 44* | 8/1/2003 | 8/19/2019 | 1053 | 4890 |
| Beyer, Shawn | Beyer, Paul M. | 8/19/2019 | 1:02-cv-06977-GBD-SN | 32 | FIRST AMENDED CONSOLIDATED MASTER COMPLAINT | p. 44* | 8/1/2003 | 8/19/2019 | 1053 | 4890 |
| Bosco, Maureen | Bosco, Richard Edward | 7/18/2019 | 1:02-cv-06977-GBD-SN | 2 | FIRST AMENDED COMPLAINT | p. 3 | 9/10/2002 | 7/31/2019 | 1039 | 4718 |
| Butler, Stephen | Butler, Thomas M. | 7/18/2019 | 1:02-cv-06977-GBD-SN | 32 | FIRST AMENDED CONSOLIDATED MASTER COMPLAINT | p. 30 | 8/1/2003 | 7/31/2019 | 1039 | 4718 |
| Cruikshank, Christine | Cruikshank, Robert | 7/18/2019 | 1:02-cv-06977-GBD-SN | 32 | FIRST AMENDED CONSOLIDATED MASTER COMPLAINT | p. 26 | 8/1/2003 | 7/31/2019 | 1039 | 4718 |
| Cruikshank, Douglas | Cruikshank, Robert | 7/18/2019 | 1:02-cv-06977-GBD-SN | 32 | FIRST AMENDED CONSOLIDATED MASTER COMPLAINT | p. 26 | 8/1/2003 | 7/31/2019 | 1039 | 4718 |
| Dean, Sr., Malcolm | Dean, William | 7/18/2019 | 1:02-cv-06977-GBD-SN | 111 | THIRD AMENDED CONSOLIDATED MASTER COMPLAINT | p. 50 | 9/5/2003 | 7/31/2019 | 1039 | 4718 |
| Garcia, Kenneth | Garcia, Jr., Andrew | 8/19/2019 | 1:02-cv-06977-GBD-SN | 1 | COMPLAINT | p. 8 | 9/4/2002 | 8/19/2019 | 1053 | 4890 |
| Gardner, Amy | Gardner, Thomas | 8/19/2019 | 1:02-cv-06977-GBD-SN | 1 | COMPLAINT | p. 8 | 9/4/2002 | 8/19/2019 | 1053 | 4890 |
| Gardner, Joseph | Gardner, Thomas | 8/19/2019 | 1:02-cv-06977-GBD-SN | 1 | COMPLAINT | p. 8 | 9/4/2002 | 8/19/2019 | 1053 | 4890 |
| Gardner, Margaret | Gardner, Thomas | 8/19/2019 | 1:02-cv-06977-GBD-SN | 1 | COMPLAINT | p. 8 | 9/4/2002 | 8/19/2019 | 1053 | 4890 |
| Harris, Lloyd | Harris, Stewart D. | 7/18/2019 | 1:02-cv-06977-GBD-SN | 32 | CONSOLIDATED MASTER COMPLAINT | p. 34 | 3/6/2003 | 7/31/2019 | 1039 | 4718 |
| Jacobs, Matthew | Jacobs, Ariel L. | 7/18/2019 | 1:02-cv-06977-GBD-SN | 1 | COMPLAINT | p. 11 | 9/4/2002 | 7/31/2019 | 1039 | 4718 |
| Cuff, Diane | Johnston, Jr., William | 8/19/2019 | 1:02-cv-06977-GBD-SN | 32 | FIRST AMENDED CONSOLIDATED MASTER COMPLAINT | p. 45 | 8/1/2003 | 8/19/2019 | 1053 | 4890 |
| Johnston, Robert | Johnston, Jr., William | 8/19/2019 | 1:02-cv-06977-GBD-SN | 32 | FIRST AMENDED CONSOLIDATED MASTER COMPLAINT | p. 45 | 8/1/2003 | 8/19/2019 | 1053 | 4890 |
| Sciurba, Christine | Johnston, Jr., William | 8/19/2019 | 1:02-cv-06977-GBD-SN | 32 | FIRST AMENDED CONSOLIDATED MASTER COMPLAINT | p. 45 | 8/1/2003 | 8/19/2019 | 1053 | 4890 |
| Leahy, Daniel | Leahy, James P. | 8/19/2019 | 1:02-cv-06977-GBD-SN | 32 | FIRST AMENDED CONSOLIDATED MASTER COMPLAINT | p. 45 | 8/1/2003 | 8/19/2019 | 1053 | 4890 |
| Leahy, John | Leahy, James P. | 8/19/2019 | 1:02-cv-06977-GBD-SN | 32 | FIRST AMENDED CONSOLIDATED MASTER COMPLAINT | p. 45 | 8/1/2003 | 8/19/2019 | 1053 | 4890 |
| Leahy, Jr., James | Leahy, James P. | 8/19/2019 | 1:02-cv-06977-GBD-SN | 32 | FIRST AMENDED CONSOLIDATED MASTER COMPLAINT | p. 45 | 8/1/2003 | 8/19/2019 | 1053 | 4890 |
| McErlean, Kathy | McErlean, Jr., John T. | 7/18/2019 | 1:02-cv-06977-GBD-SN | 32 | FIRST AMENDED CONSOLIDATED MASTER COMPLAINT | p. 37 | 8/1/2003 | 7/31/2019 | 1039 | 4718 |
| Espósito, Denise | Espósito, Michael | 8/19/2019 | 1:02-cv-06977-GBD-SN | 11 | CONSOLIDATED MASTER COMPLAINT | p. 7 | 3/6/2003 | 8/19/2019 | 1053 | 4890 |
| Ross Goodman, Abigail | Ross, Richard | 8/19/2019 | 1:02-cv-06977-GBD-SN | 1 | COMPLAINT | p. 18 | 9/4/2002 | 8/19/2019 | 1053 | 4890 |
| Ross, Alison | Ross, Richard | 8/19/2019 | 1:02-cv-06977-GBD-SN | 1 | COMPLAINT | p. 18 | 9/4/2002 | 8/19/2019 | 1053 | 4890 |
| Ross, Franklin | Ross, Richard | 8/19/2019 | 1:02-cv-06977-GBD-SN | 1 | COMPLAINT | p. 18 | 9/4/2002 | 8/19/2019 | 1053 | 4890 |

* ECF No. 111 originally named Arlene Beyer as both the estate representative and the 9/11 decedent when, in fact, Paul M. Beyer (Arlene Beyer's husband) was killed on Sept. 11. That has since been corrected. See, e.g., 02-cv-6977 ECF No. 997.